

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

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LIN LI QU (a/k/a MICHELLE NG) as	)	
Surviving spouse of Hiu Lui Ng	)	
(a/k/a Jason Ng) individually and	)	
as guardian and next friend of	)	
their minor children and the	)	
beneficiaries of the Estate of	)	
Hiu Lui Ng, Raymond Ng and	)	
Johnny Ng,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 09-53 S
	)	
Central Falls Detention Facility	)	
Corporation, et al.,	)	
	)	
Defendants.	)	

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**MEMORANDUM AND ORDER**

WILLIAM E. SMITH, United States District Judge.

The Court has reviewed the filings and videotapes submitted by Defendant Central Falls Detention Facility Corporation (CFDFC), in support of Defendant CFDFC's Motion for Entry of a Protective Order. In determining whether to grant a protective order, the Court must weigh not only the interests of the moving party, but also any First Amendment rights of the restricted party that are implicated. Seattle Times Co. v. Rhinehart, 467

U.S. 20 (1984).<sup>1</sup> Having viewed excerpts from the subject videotapes provided by the parties, the Court finds that the images, absent the context of trial testimony and/or adequate opportunity to give appropriate instructions to jurors, have the potential to prejudice the jury pool for this case. Therefore, the Court grants the Motion for a Protective Order as follows:

1. Defendant CFDFC will create a copy of the videotapes for each party and electronically "watermark" all such copies;
2. The videotape copies may not be duplicated, copied, and/or distributed in any form by any party except with the express consent of the Court, in which case the Court will order the creation of additional "watermarked" copies, as necessary;
3. The "watermarked" copies may only be shown to the parties, their counsel, their insurers, and their experts;
4. Premature release, dissemination, or distribution of any portion of the video footage to anyone not authorized by this Order is expressly prohibited until such time as the videos are admitted into the public

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<sup>1</sup> The Court derives its authority to mold a protective order from the Federal Rules of Civil Procedure, which state "[t]he court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense." Fed. R. Civ. P. 26(c)(1).

trial record, or until further order of this Court;  
and

5. These procedures are necessary in order to ensure a fair trial in this matter. Therefore any violation of this Order will result in appropriate sanctions.

IT IS SO ORDERED:

/s/ William E. Smith

William E. Smith  
United States District Judge  
Date: July 27, 2010